

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO.: 5:22-cv-00068-BO

YOLANDA IRVING, individually and as the)
natural parent and guardian of J. I., JUWAN)
HARRINGTON, CYDNEEA HARRINGTON,)
KENYA WALTON, individually and as the)
natural parent and guardian of R.W., ZIYEL)
WHITLEY, DYAMOND WHITLEY,)
KAMISHA WHITLEY, and NANETTA)
GRANT as the natural parent and guardian of Z.)
G.)

Plaintiffs,

vs.

THE CITY OF RALEIGH, Officer OMAR I.)
ABDULLAH, Sergeant WILLIAM ROLFE,)
Officer RISHAR PIERRE MONROE, Officer)
JULIEN DAVID RATTELADE, and Officer)
MEGHAN CAROLINE GAY, Chief of Police)
ESTELLA PATTERSON and City Manager)
MARCHELL ADAMS-DAVID, in their official)
capacities.)

Defendants.

**DEFENDANTS RATTELADE,
MONROE, AND GAY’S MOTION FOR
SUMMARY JUDGMENT
(Fed. R. Civ. P. Rule 56)**

Defendants Meghan Gay, Rishar Monroe, and David Rattelade (collectively “Vice Defendants”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move the Court to dismiss all of Plaintiffs’ claims against them. For the reasons set forth below and more fully in Vice Defendants’ Memorandum of Law in Support of their Motion for Summary Judgment, Vice Defendants are entitled to judgment as a matter of law because Plaintiffs cannot support their claim of direct liability against Vice Defendants as there are no facts proving Vice Defendants conspired to deprive Plaintiffs of protected rights nor

evidence establishing bystander liability against Vice Defendants. Vice Defendants are therefore entitled to summary judgment as a matter of law.

This the 31st day of March, 2023.

/s/ Rodney E. Pettey

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and M.C. Gay in their individual capacities*

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MARCHELL ADAMS-DAVID, in their official)
capacities.)

Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Abraham Rubert-Schewel (schewel@tinfulton.com), Emily D. Gladden (Egladden@tinfulton.com), Michael L. Littlejohn, Jr. (mll@littlejohn-law.com), and Nichad Davis (ndavis@tinfulton.com), *Counsel for Plaintiffs*; Amy C. Petty (Amy.Petty@raleighnc.gov), Dorothy V. Kibler (Dorothy.Kibler@raleighnc.gov), *Counsel for Defendants The City of Raleigh, Estella Patterson, Marchell Adams-David*; Daniel E. Peterson (danielpeterson@parkerpoe.com),

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Blanchard, III (norwood@cmclawfirm.com), Counsel for Defendant William Rolfe, and I
hereby certify that I have mailed the document to the following non-CM/ECF participants:
None.

Respectfully submitted,

/s/ Rodney E. Pettey
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